

REMARKS/ARGUMENTS

Claims 25-44 are pending in this application. Claim 44 has been amended to overcome the Examiner's objections with regard to informalities.

CLAIM REJECTIONS

Claims 25-44 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent No. 6,767,117. A terminal disclaimer is submitted herewith to overcome this rejection.

Claim 44 is rejected under 35 U.S.C. § 102(b) as being anticipated by D.J. Biller (US 2,446,736). To the extent the rejections may be applied to the claims, these rejections are respectfully traversed.

According to the Examiner, Biller discloses a lighting fixture having an upper support [A,9] attached to a structure, a lamp housing with an electric receptacle and an electric light source, a rear support arm [others A, 9] attached to the structure with a distal end attached to the lamp housing higher than the electric receptacle, and electric wiring running from the structure along the rear support arm [others A,9] into the interior of the lamp housing. A portion of an electric light source positioned in the receptacle is lower than a portion of the electric wiring.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The claimed light fixture has an upper support arm connected to the lamp housing at a **plurality** of locations. Biller does not disclose an upper support arm connected to the lamp housing at a **plurality** of locations. Biller teaches a plurality of suspension supports being connected to a plurality of locations on the lamp housing (one support connected to one location). Each suspension support is connected to the lamp housing at one location. Since Biller does not disclose a suspension support connected to the lamp housing at a plurality of locations, it does not anticipate the lighting fixture as claimed.

Furthermore, Biller does not disclose two separate support arms, an upper support arm and a rear support arm. "The suspension support A comprises an upper tubular fitting 8, an elongated stem 9 and a sleeve 10 for coupling said fitting and stem together in end to end

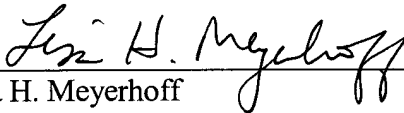
relation." See column 2, lines 4-8. The elongated stem 9 is part of the suspension support A. The two supports are not separable, and if even if they were, neither of them is connected to the lamp housing at a plurality of locations. Both suspension support A and elongated stem 9 are connected to the lamp housing at a single location. The plurality of connections are due to a plurality of supports. The claimed upper support 112 is connected to the lamp housing at a plurality of locations 118 (supporting rods). Since Biller does not disclose a suspension support connected to the lamp housing at a plurality of locations, it does not anticipate the lighting fixture as claimed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

No fees as a result of this Reply are required. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-3420, reference 31175330-000407(LHM).

Respectfully submitted,

BAKER & McKENZIE, LLP



Lisa H. Meyerhoff
Reg. No. 36,869

Date: 7/19/05

Baker & McKenzie LLP
2300 Trammel Crow Center
2001 Ross Avenue
Dallas, TX 75201
Tel: 214-978-3035
Fax: 214-978-3099